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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ANIBAL RODRIGUEZ, SAL CATALDO,
JULIAN SANTIAGO, and SUSAN LYNN
HARVEY individually and on behalf of all
other similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

CASE NO.: 3:20-cv-04688-RS

**DECLARATION OF MARK MAO IN
SUPPORT OF PLAINTIFFS' REPLY TO
MOTION FOR RELIEF FROM CASE
MANAGEMENT SCHEDULE**

Judge: Hon. Richard Seeborg
Courtroom 3 – 17th Floor
Date: December 1, 2022
Time: 1:30 p.m.

1 I, Mark Mao, declare as follows:

2 1. I am a partner with the law firm of Boies Schiller Flexner LLP, counsel for
3 Plaintiffs in this matter. I am an attorney at law duly licensed to practice before all courts of the
4 State of California. I have personal knowledge of the matters set forth herein and am competent to
5 testify.

6 2. I submit this Declaration in support of Plaintiffs' Reply in support of Plaintiffs'
7 Rule 16(b) Motion for Relief from Case Management Schedule.

8 3. On January 14, 2022, the parties agreed to search terms returning tens of thousands
9 of documents held by 19 court-ordered custodians.

10 4. On May 27, 2022, Plaintiffs served discovery requests seeking information on
11 WAA-off data. On July 13, 2022, Google responded to these requests. On August 31, 2022,
12 Plaintiffs sent Google a letter brief requesting this data. On September 1, 2022, the parties met and
13 conferred, where Google mentioned it identified WAA-off bits in thousands of logs and was still
14 "investigating" these bits. On October 4, 2022, Google sent its portion of the briefing, which was
15 ultimately submitted to the Court on October 17, 2022. To date, Google has refused to produce
16 these logs.

17 5. In July 2022, Plaintiffs proposed extending the discovery deadline beyond October
18 2022. Google declined this proposal.

19 6. On September 28, 2022, Plaintiffs requested depositions of four Google custodians:
20 Sam Heft-Luthy, Anre de Booij, JK Kearns, and Xinyu Ye. Google refused, and Plaintiffs
21 subsequently sent their portion of the letter brief on this subject on October 6, 2022. On October
22 17, 2022, Google sent its portion of the letter brief and, after edits from both sides, the parties filed
23 the final letter brief on October 28, 2022.

24 7. On October 7, 2022, Plaintiffs asked Google to add Mr. Segeritz and Ms. Vakharia
25 as document custodians and produce responsive documents from their files.

26 8. On October 31, 2022, Google served several responses to RFAs and supplemented
27 responses to some interrogatories.

1 9. On October 31, 2022, Plaintiffs requested information and posed follow-up
2 questions after Mr. Ganem's and Mr. Ma's depositions. On November 7, 2022, Plaintiffs
3 requested additional information relating to Mr. Ganem's deposition. Google has not yet
4 acknowledged, or responded to, either request.

5 10. On November 17, 2022, Google produced some documents pertaining to its re-
6 view of deficiencies in its privilege log.

7 11. As of this filing, Google has not produced documents responsive to Plaintiffs'
8 Ninth Set of RFPs.

9 12. The deposition of Belinda Langner is currently scheduled for November 30, 2022,
10 in part because Google designated Ms. Langner as a 30(b)(6) designee on October 5, 2022.

11 I declare under penalty of perjury under the laws of the United States of America that the
12 foregoing is true and correct. Executed this 17th day of November 2022, in San Francisco,
13 California.

14 /s/ Mark C. Mao

15 Mark C. Mao

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